



# **RULES AND REGULATIONS PERTAINING TO SBMC 10.49.010-100 VALET PARKING IN THE PUBLIC RIGHT OF WAY**

City of Santa Barbara Public Works Department Policy  
Issued by: Public Works Director

Date: XX/XX/2017

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## **ORGANIZATION AND CONTENTS**

These rules and regulations are organized in the following sections:

1. Definitions.
2. Roles and Responsibilities.
3. Permit Required.
4. Permit Appearance and Display.
5. Annual Valet Parking Permits.
6. Temporary Valet Parking Permits.
7. Fees
8. Operational Rules for Valet Services
9. Termination of Operations.
10. Suspension, Modification, and Revocation.

## **PURPOSE**

The Public Works Director is authorized to promulgate and publish rules and regulations to interpret and implement Santa Barbara Municipal Code Section 10.49.

## **INTRODUCTION**

SBMC Section 10.49.010-10.49.100 regulates valet parking operations that involve movement of vehicles on or over any public right-of-way or City property. The purpose of this ordinance is to protect public safety, ensure unimpeded travel and use of the right-of-way by persons and vehicles, and prevent public nuisance conditions. SBMC Section 10.49.050 (C) authorizes the Public Works director to promulgate and publish rules and regulations to interpret this ordinance.



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## SECTION 1 DEFINITIONS

The following terms and abbreviations shall have the meanings indicated in this Section unless they are inconsistent with SBMC Chapter 10.49 or the context clearly indicates a different intention.

- 1. Applicant.** A valet operator who requests an Annual or Temporary Valet Parking Permit pursuant to SBMC 10.49.050 via the permit application process described in these Rules and Regulations. Where the applicant is a corporation, association, partnership, or other legal entity, “applicant” means each partner, officer, director, and each shareholder owning or controlling more than ten percent of such entity.
- 2. Director.** The Director of Public Works.
- 3. Permit.** The term “permit” refers generically to both Annual Valet Parking Permits issued pursuant to SBMC 10.49.050.A and Temporary Valet Parking Permits issued pursuant to SBMC section 10.49.050.B. A permit shall not create or confer any property right or interest and may be suspended, modified, or revoked without prior hearing or notice at any time, provided that reasonable notice shall be provided pursuant to SBMC 10.49.080.
- 4. Permittee.** A valet parking operator who has been issued an Annual Valet Parking Permit or a Temporary Valet Parking Permit pursuant to SBMC 10.49.050.
- 5. Sponsor.** A business owner or business owner’s representative, or a property owner or property owner’s representative, a resident, requesting on-street valet parking services adjacent to their business or property.
- 6. Valet zone.** The portion of the public right-of-way utilized for valet parking operations, as approved by the Public Works Director, and designated by approved signs and/or markings.



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## SECTION 2 ROLES AND RESPONSIBILITIES

### 1. Public Works Department.

- a. **Downtown Parking Group.** The Downtown Parking Group is responsible for issuing permits, maintaining permit data, collecting fees, assessing penalties, monitoring permitted valet operations, and overall management of the valet program throughout the City.
- b. **Traffic Engineer.** The Traffic Engineer shall create a map of streets that are not suitable for valet parking operations, based on his or her considerations for traffic flow and safety.

2. **Public Works Director.** The Public Works Director is responsible for preparing and implementing SBMC 10.49 and these Rules and Regulations, including determinations on questions of compliance with SBMC 10.49, permit suspensions, and revocations.

3. **Police Department.** The Police Department is responsible for enforcing posted parking restrictions in designated valet zones, enforcing posted speed limits and driver actions, and enforcing all other traffic and parking laws and regulations.

4. **City Attorney's Office.** The City Attorney's Office is responsible for providing legal advice with respect to SBMC 10.49 and these rules and regulations.

5. **Risk Management.** The City's Risk Manager is responsible for approving any required Insurance documents, including those provided by the Valet Operators that indemnify the City.

6. **Permit Applicants.** Permit applicants are responsible for providing all information required by the Santa Barbara Municipal Code, these Rules and Regulations, and state or federal law.

7. **Permittees.** Permittees are responsible for conducting safe and lawful valet parking operations, and adhering to all terms and conditions of permit issuance, all requirements of the Santa Barbara Municipal Code, these Rules and Regulations, and state or federal law.

8. **Sponsors.** Sponsors are responsible for ensuring that any valet operator with whom they contract has been issued a valid Valet Parking Permit. Sponsors must give written consent for valet operations at their business or property.



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## **SECTION 3 PERMIT REQUIRED**

SBMC 10.49.040 states that no person shall engage in, conduct, or carry on the business of valet parking without a City-issued valet parking permit if:

1. Any physical object associated with the valet operation, including but not limited to stands, podiums, signage, cones, delineators, and umbrellas, is placed in the public right of way or on City property; OR
2. Personnel associated with the valet operation are stationed or solicit or conduct business in the public right of way or on City property; OR
3. Vehicle pick up or drop off occurs in the public right of way or on City property; OR
4. Vehicles queue in the public right of way or on City property; OR
5. Vehicles are stored in the public right of way or on City property.



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## **SECTION 4 PERMIT APPEARANCE AND DISPLAY**

- 1. Permit appearance.** The Downtown Parking Program is authorized to establish the design, designation, style, color, and other similar characteristics for Annual and Temporary Valet Parking Permits.
- 2. Display of permits.** A copy of the valet operator's permits and approved route diagram shall be maintained at the valet stand and presented to City Staff immediately upon request. Failure to maintain permits and route diagrams at the valet stand and produce permits upon request is grounds for immediate termination of the valet parking operation and permit revocation.

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## SECTION 5 ANNUAL VALET PARKING PERMITS

1. **Permit Issuance.** SBMC 10.49.050.A authorizes annual permits for valet parking operations conducted in the public right-of-way or on City property. An Annual Valet Parking Permit may only be issued by the Downtown Parking Group. Each Annual Valet Parking Permit is specific to the permitted operator and approved location for which it is issued.
2. **Eligibility.** To be eligible for an Annual Valet Parking Permit, a valet operator must:
  - a. Possess a valid City Business License certificate and have paid all other applicable City taxes.
  - b. Possess a comprehensive insurance policy with coverage provisions and limits prescribed by the City's Risk Manager, executed by an approved insurance company. All persons who carry out permitted activities must be insured against claims, loss, and liability for damage to property, injury, and death.
  - c. Possess a valid Coastal Development Permit for valet operations in the Coastal Zone, if required.
3. **Duration.** Annual Valet Parking Permits shall be valid for a period of one year from the date of issuance.
4. **Approved Location.** An Annual Valet Parking Permit shall be approved for operations at the specific location designated on the applicant's permit application. Valet Operators will clearly identify the location of the drop-off and pick-up of vehicles, and proximity to the sponsor. All drop-off and pick-up, and storage locations shall be reviewed for public safety concerns. Drop-off and pick-up locations must not obstruct traffic, create a public safety hazard, or require vehicle queuing in traffic lanes. Multiple drop-off and pick-up locations may be necessary. The permit shall specify the location of the operation.
5. **Application Process.** To obtain an Annual Valet Parking Permit, a valet operator must:
  - a. Be eligible for an Annual Valet Parking Permit under SBMC 10.49 and these Rules and Regulations.
  - b. Provide complete and correct information on the Application for an Annual Valet Parking Permit, including all required supporting documentation. Applications must be submitted at least thirty (30) calendar days prior to the requested date of permit issuance.
  - c. Provide the name and phone number of a contact person for the valet operator who will be reachable at all times during the valet operation.
  - d. Provide a letter signed by a sponsor demonstrating a need for on-street valet parking services. The letter must specifically name the applicant as the proposed valet service provider. If the valet service is proposed adjacent to a business or property other than the



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- sponsor's business or property, a letter of concurrence from the adjacent business or property representative is required.
- e. Provide proof of insurance to work within the public right-of-way, acceptable to the City's Risk Manager.
  - f. Provide a copy of the valet operator's current City of Santa Barbara Business License.
  - g. Describe the proposed valet service location, amount of requested curb space, and proposed operating hours.
  - h. Provide a diagram of the proposed layout of the valet parking operation, including the location of the valet stand, any signs, podium, umbrella, or other features.
  - i. Provide the proposed storage location(s) for vehicles. A letter from the proposed storage location's property owner or owner's representative is required.
  - j. Provide a planned route diagram that shows the path of travel for vehicles and valet personnel between the valet stand and vehicle storage location.
  - k. Provide a copy of an approved Coastal Development Permit, if required.
  - l. Demonstrate compliance with the Americans with Disabilities Act.
  - m. Pay all fees due, as established by a resolution of the City Council, upon issuance of any permit.
- 6. Application Review and Permit Issuance.** Upon receipt of a complete application for an Annual Valet Parking Permit, and prior to issuing any such permit, the City shall:
- a. Review the application and all supporting materials for completeness, correctness, and compliance with SBMC 10.49 and these Rules and Regulations.
  - b. Review the proposed operation for compliance with the Americans with Disabilities Act.
  - c. Conduct a visit to the proposed valet location, as needed, to verify traffic safety conditions and operational details.
  - d. Issue or deny the permit within 30 calendar days.
  - e. Execute an agreement with the permittee that specifies the terms and conditions of permit issuance.
- 7. Permit Renewal.** To renew an Annual Valet Parking Permit, a permittee must:
- a. Submit a complete permit application package, as described in (5) above, noting any changes to the proposed operation.
  - b. Demonstrate that they continue to meet all the requirements of SBMC 10.49 and these Rules and Regulations.
  - c. Pay all fees due.
- 8. Non-Transferrable.** Annual Valet Parking Permits are only valid for use by the permitted valet operator, for the permitted sponsor, and at the permitted location. Permits are not transferrable. Any change to the valet operator, sponsor, or valet service location shall render the permit void.





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- 9. Grounds for Refusal to Issue or Revocation of an Annual Valet Parking Permit.** Any of the following are grounds for refusal to issue or revocation of an Annual Valet Parking Permit:
- a. Incomplete application. The applicant fails to provide complete and correct information as required by the City.
  - b. Ineligible. The applicant does not have a valid City of Santa Barbara Business License, or has failed to pay all City taxes, or does not possess an insurance policy satisfactory to the City's Risk Manager.
  - c. Sponsor consent. The applicant does not have consent of the owner of the business or property adjacent to which the valet parking service operation is proposed.
  - d. Storage location consent. The applicant does not have consent of the property owner or representative of the proposed vehicle storage location.
  - e. Safety and Circulation. The proposed valet parking location, vehicle storage location, valet operation configuration, or paths of travel would create or exacerbate an unsafe traffic condition or would impede the movement of vehicles, cyclists, or pedestrians.
  - f. ADA Compliance. The applicant cannot demonstrate that the proposed valet operation would comply with the Americans with Disabilities Act.
  - g. Failure to comply with all laws, rules, and regulations. The permittee fails to comply with any City law, rule, or regulation pertaining to valet parking or traffic safety, including, but not limited to, the permit terms and conditions and the Operational Rules specified in these Rules and Regulations.





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## SECTION 6 TEMPORARY VALET PARKING PERMITS

- 1. Permit Issuance.** SBMC 10.49.050.B authorizes temporary permits for valet parking operations conducted in the public right-of-way or on City property. A Temporary Valet Parking Permit may only be issued by the Downtown Parking Group. Each Temporary Valet Parking Permit is specific to the permitted operator, approved location, and dates for which it is issued.
- 2. Eligibility.** To be eligible for a Temporary Valet Parking Permit, a valet operator must:
  - a. Possess a valid City Business License certificate and have paid all other applicable City taxes.
  - b. Possess a comprehensive insurance policy with coverage provisions and limits prescribed by the City's Risk Manager, executed by an approved insurance company. All persons who carry out permitted activities must be insured against claims, loss, and liability for damage to property, injury, and death.
- 3. Approved Valet Parking Operators.** The City shall maintain a list of Approved Valet Parking Operators. These Operators have demonstrated that they meet the eligibility requirements described in Section 6.2 of these Rules and Regulations, and have entered into an agreement with the City to conduct valet parking operations in accordance with the policies and procedures specified in SBMC 10.49.010-100 and these Rules and Regulations.
- 4. Duration.** Temporary Valet Parking Permits shall be valid for a period of operation not to exceed seven (7) calendar days.
- 5. Approved Location.** A Temporary Valet Parking Permit shall be approved for operations at the specific location designated on the applicant's permit application. Valet Operators will clearly identify the location of the drop-off and pick-up of vehicles, and proximity to the sponsor. All drop-off and pick-up, and storage locations shall be reviewed for public safety concerns. Drop-off and pick-up locations must not obstruct traffic, create a public safety hazard, or require vehicle queuing in traffic lanes. Multiple drop-off and pick-up locations may be necessary. The permit shall specify the location of the operation.
- 6. Application Process.** To obtain a Temporary Valet Parking Permit, a valet operator must:
  - a. Be eligible for a Temporary Valet Parking Permit under SBMC 10.49 and these Rules and Regulations.
  - b. Be in good standing on the City's list of Approved Valet Parking Operators.
  - c. Provide complete and correct information on the Application for a Temporary Valet Parking Permit, including all required supporting documentation.



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- d. Provide the name and phone number of a contact person for the valet operator who will be reachable at all times during the valet operation.
  - e. Describe the proposed valet service location, proposed dates of operation, amount of requested curb space, and proposed operating hours.
  - f. Provide a diagram of the proposed layout of the valet parking operation, including the location of the valet stand, any signs, podium, umbrella, or other features.
  - g. Provide the proposed storage location(s) for vehicles.
  - h. Provide a planned route diagram that shows the path of travel for vehicles and valet personnel between the valet stand and vehicle storage location.
  - i. Pay all fees due, as established by a resolution of the City Council.
- 7. Application Review and Permit Issuance.** Upon receipt of a complete application for a Temporary Valet Parking Permit, and prior to issuing any such permit, the City shall:
- a. Review the application and all supporting materials for completeness, correctness, and compliance with SBMC 10.49 and these Rules and Regulations.
  - b. Issue or deny the permit.
  - c. Execute an agreement with the permittee that specifies the terms and conditions of permit issuance.
- 7. Grounds for Refusal to Issue or Revocation of a Temporary Valet Parking Permit.** Any of the following are grounds for refusal to issue or revocation a Temporary Valet Parking Permit:
- a. Incomplete application. The applicant fails to provide complete and correct information as required by the City.
  - b. Ineligible. The applicant does not have a valid City of Santa Barbara Business License, or has failed to pay all City taxes, or does not possess an insurance policy satisfactory to the City's Risk Manager. The applicant is not in good standing on the City's list of Approved Valet Parking Operators.
  - c. Sponsor consent. The applicant does not have consent of the owner of the business or property adjacent to which the valet parking service operation is proposed.
  - d. Storage location consent. The applicant does not have consent of the property owner or representative of the proposed vehicle storage location.
  - e. Safety and Circulation. The proposed valet parking location, vehicle storage location, valet operation configuration, or paths of travel would create or exacerbate an unsafe traffic condition or would impede the movement of vehicles, cyclists, or pedestrians.
  - f. Failure to comply with all laws, rules, and regulations. The permittee fails to comply with any City law, rule, or regulation pertaining to valet parking or traffic safety, including, but not limited to, the permit terms and conditions and the Operational Rules specified in these Rules and Regulations.



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## SECTION 7 FEES

1. **Permit and operational fees.** The following fees, as established by a resolution of City Council, will be paid by the Valet Operator for a Valet Parking Permit:
  - a. **Temporary Valet Parking Permit Fee.** Permit fee to cover the cost of application review and permit issuance.
  - b. **Annual Valet Parking Permit Fee.** Annual fee to cover the cost of application review, permit issuance, and staffing necessary to monitor valet parking operations at various ongoing locations.
  - c. **Annual Valet Parking Permit Setup Fee.** One-time fee, paid upon issuance of the first Annual Valet Parking Permit for a valet operator to conduct a valet parking at a particular location. This fee covers the cost of staff time to review ADA compliance and risk management issues, along with the cost of curb painting and signage required to establish the Valet drop-off and pick-up zone in the Public right of way.
  - d. **City Property Valet Operation Fee.** A fee for valet operations conducted on City property, including drop-off and pick-up or vehicle storage in City parking lots. This fee covers the cost of staffing necessary to monitor the permitted valet parking operation and the cost of parking the customer vehicles in City lots.
2. **Penalty fees.** The Downtown Parking Group may, at their discretion, assess penalty fees, as established by a resolution of City Council, for violations of these Rules and Regulations and the terms and conditions of a valet permit, or for operating without a permit. Fees shall increase with subsequent violations. When penalty fees are assessed to a valet operator, the Valet Parking Permit shall be suspended until all fees are paid in full.



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## **SECTION 8 OPERATIONAL RULES FOR VALET SERVICES**

The following rules and regulations apply to valet parking operations permitted under SBMC 10.49.050. Violation of any of these rules is grounds for immediate revocation of valet parking permits and possible citation.

1. Queuing of vehicles in the travel lanes is prohibited at all times. No vehicle may stop or stand at a drop-off or loading area for longer than 15 minutes.
2. Valet operators must have a dedicated staff person on-site at all times to provide for traffic control and prevent vehicle queuing.
3. Valet operators shall park valet vehicles in the approved parking location as submitted with their valet permit application. Valet operators shall not park, stop, or store vehicles in the public right of way or other on-street parking locations, except for the designated and approved valet stand location and other locations as specifically authorized in the valet permit.
4. Valet operators and/or sponsors shall not, under any circumstances, restrict or limit use of the right-of-way for public parking. This includes, but is not limited to, blocking off or otherwise reserving on-street parking spaces, posting deceptive or misleading signage intended to deter use of public parking spaces, staging vehicles in the travel lanes so as to prevent other vehicles from entering curbside spaces, or parking personal vehicles to reserve spaces.
5. All operators shall be responsible for providing adequate automobile storage to accommodate all valet parked vehicles, without using streets or other public property, unless otherwise authorized by the valet permit.
6. Valet parked vehicles must not block fire hydrants, driveways, or intersections, and must leave at least twenty (20) feet of space in the adjacent travel lane.
7. All operators shall post valet parking signs at the approved valet drop-off location. All valet parking signs shall reflect the hours of operation listed on the valet permit and rates charged.
8. The operator shall, upon the receipt of each motor vehicle accepted for valet parking, give a claim check to the owner. The claim check shall explicitly state the terms and conditions under which the vehicle is being accepted.



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9. A copy of the valet operator's permits and route diagram must be maintained at every valet parking operation site. Permits and route diagrams shall be made available to the City staff upon request.
10. Valet parking stands located in the public right-of-way shall be placed in the approved locations and in a manner that minimizes interference with the flow of pedestrian traffic on the sidewalk as approved by the Traffic Engineer.
11. Valet umbrellas located within the public right-of-way shall maintain a minimum height clearance of seven feet.
12. No signs, cones, delineators, or other items may be placed in the public right-of-way unless approved as part of the permit.
13. Non-valet users may use the valet zone to actively load or unload passengers. Valet operators shall not discourage legal passenger loading or unloading.
14. A Coastal Development Permit may be required within the Coastal Zone.
15. Any use, occupation, or obstruction of the public right-of-way permitted under 10.49.050 may be temporarily suspended, without prior notice or hearing, when the Director of Public Works or her designee, the Police Chief, or the Fire Chief determines that any such use, occupation or obstruction may interfere with public safety efforts or programs, street improvement activities, events approved by the city to take place in the right of way, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public.
16. The Director may, at his or her sole discretion, place additional conditions upon the issuance of the permit in order to insure the protection of the public rights-of-way and the rights of all adjoining property owners and the health, safety and welfare of the public.
17. Permits for the use of the public right-of-way or City property shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
18. Permits for the use of the public right-of-way or City property may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.



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19. Permits and activity pursuant to permits shall conform with all other applicable city and other governmental requirements.
  20. Valet operators must obey all federal, state, and local laws and regulations, including all traffic and parking laws. Valets must drive vehicles in a safe and legal manner, adhering to speed limits, lanes of travel, direction of travel, traffic control devices, and legal turning maneuvers. Vehicles must be legally parked and may not occupy any red, yellow, white, green or blue curb zones. Double parking is prohibited.
  21. Valet zones shall comply with Americans with Disabilities Act requirements.
  22. Only one valet zone per block face shall be allowed unless the applicant demonstrates support for a second zone from adjacent businesses and/or property owners.
  23. Letters of support from adjacent businesses or property owners may be required.



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## **SECTION 9 SUSPENSION OF OPERATIONS**

The Director of Public Works, the Police Chief, the Fire Chief, or any of their designees may suspend, at any time and without prior notice or hearing, a valet operation permitted under 10.49.050 if they determine that:

1. The use, occupation, or obstruction of the public right-of-way may interfere with public safety efforts or programs, street improvement activities, events approved by the city to take place in the right of way, construction activities, cleaning efforts or other similar activities, or with the health, welfare or safety of the public.
2. The valet operation poses an immediate or serious threat to public safety.





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## SECTION 10 SUSPENSION, MODIFICATION, AND REVOCATION OF PERMIT

- 1. Immediate Suspension.** If a permittee fails to maintain the insurance required under SBMC 10.49.060, or operates in a manner that poses an immediate and serious threat to the public health, safety, and welfare, the Public Works Director may issue a Notice of Immediate Suspension, not to exceed thirty (30) days, pursuant to the procedures set forth in SBMC 10.49.080.D.
- 2. Procedure.**
  - a. Annual and Temporary Valet Parking Permits shall be considered temporary and nonpermanent in nature, and permittee shall have neither property interest in nor any entitlement to the granting or continuation of any such permit.
  - b. Annual and Temporary Valet Parking Permits may be terminated by the city, with or without cause, regardless of the nature and scope of financial or other interest in, or on account of, the permit or the permitted use.
  - c. The Public Works Director is authorized to suspend, modify, or revoke an Annual or Temporary Valet Parking Permit with or without cause. If the Public Works Director determines that a permittee's use of the right-of-way violates any provision of Chapter 10.49, these Rules and Regulations, or any other state, federal, or City law or regulation, or is negatively impacting street operations, the Public Works Director shall revoke, modify, or suspend the permit pursuant to the procedures set forth in SBMC 10.49.080.
  - d. If a penalty fee is assessed to a permittee for violation of these Rules and Regulations or the terms and conditions of the valet permit, the permit shall be considered suspended immediately upon assessment of the fee, and shall remain suspended until all fees are paid in full.
- 3. Effectiveness and Finality.** An action suspending, modifying, or revoking a permit is effective on the eleventh day following the date of the Notice to Revoke, Modify, or Suspend, provided no request for reconsideration is received from the permittee. A Notice of Immediate Suspension is effective on the date of the Notice.
- 4. Reconsideration and Appeals.** The process for requesting reconsideration or appeal of a Notice of Immediate Suspension or Notice of Intent to Revoke, Modify, or Suspend is set forth in SBMC 10.49.080.